

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4868

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BARBARA HAMPTON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., District Judge. (CR-03-1024)

Submitted: August 25, 2005

Decided: August 30, 2005

Before TRAXLER and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Margaret A. Chamberlain, CHAMBERLAIN LAW FIRM, Greenville, South Carolina, for Appellant. Regan Alexandria Pendleton, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Barbara Hampton appeals her conviction and fifty-month sentence following her guilty plea to conspiracy to possess with intent to distribute 100 grams or more of heroin, in violation of 21 U.S.C. §§ 841, 846 (2000). Counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), in which she asserts that there are no non-frivolous claims for appeal, but questions whether the district court should have imposed a lesser sentence or given credit for time served. Hampton was notified of her opportunity to file a pro se supplemental brief but has not done so.

Because Hampton received a sentence below the statutory minimum, we find her challenge to be without merit. She has not argued, and cannot establish, a Sixth Amendment error at sentencing. See United States v. Booker, ___ U.S. ___, 125 S. Ct. 738 (2005); United States v. White, 405 F.3d 208, 220 (4th Cir. 2005). Moreover, she has pointed to no fact or law to suggest that the sentence imposed was improper or unreasonable. Accordingly, we affirm the judgment of the district court.

In accordance with Anders, we have reviewed the entire record and have found no meritorious issues for appeal. This court requires that counsel inform her client, in writing, of her right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but

counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED